

## Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

OPIC-03 /090 R

DRAFTED BY L/ARA:DAGANTZ

APPROVED BY L/ARA:DAGANTZ

EB/IFD/OIA:DASTEBBING

ARA/CAR:JTHYDEN

L/EB:SBOND

----- 096304

R 141024Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY PORT OF SPAIN

LIMITED OFFICIAL USE STATE 037477

E.O. 11652: N/A

TAGS: EINV, TD

SUBJECT: EXPROPRIATED US PROPERTY AND COUNTRY ELIGIBILITY  
FOR GSP

REF: PORT OF SPAIN 309

1. EMBASSY IS CORRECT IN ITS ASSUMPTION THAT TRINIDAD IS  
LISTED AS A COUNTRY WHICH HAD TAKEN EXPROPRIATORY ACTION  
UNDER SECTION 502(B)(4) OF THE TRADE ACT OF 1974 BECAUSE  
OF TEXACO SITUATION. INFORMATION BEFORE LEGAL ADVISER'S  
OFFICE IN AUGUST 1975 WHEN THESE JUDGMENTS INITIALLY WERE  
MADE INDICATED THAT GOTT HAD NOT ONLY ANNOUNCED ITS INTEN-  
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TIONS, BUT HAD ACTUALLY TAKEN OVER TEXACO'S MARKETING OPER-

ACTIONS. (IT WAS CONCLUDED, OF COURSE, DESPITE THESE ACTIONS THAT GOTT WAS TAKING ALL STEPS NECESSARY TO COMPLY WITH ITS OBLIGATIONS UNDER INTERNATIONAL LAW.) EMBASSY SHOULD BEAR IN MIND THAT THIS STAFF LEVEL JUDGMENT IS NOT REFLECTED IN ANY PUBLIC DOCUMENT AND DOES NOT ADVERSELY AFFECT GOTT'S ELIGIBILITY FOR GSP; RATHER, IT PROVIDES A BASIS FOR CONTINUED ELIGIBILITY FOR THE TIME BEING.

2. EMBASSY IS CORRECT IN ASSUMING THAT SIMPLE ANNOUNCEMENT OF INTENTION TO TAKE OVER TEXACO PROPERTIES IN ITSELF WOULD NOT REPEAT NOT HAVE BEEN TREATED AS EXPROPRIATORY ACTION.

HOWEVER, DEPARTMENT'S INTERPRETATION OF PORT OF SPAIN'S 835 (1975) WAS THAT IT WAS ANNOUNCING AN ACTION RATHER THAN SIMPLY AN INTENTION. WE ASSUMED THAT GOTT HAD IN FACT TAKEN CONTROL OF THE MARKETING OPERATION, E.G., BY APPOINTING AN INTERVENER OR INSTITUTING SOME MEANS OF ESTABLISHING DIRECT PARTICIPATION AND/OR CONTROL. SUCH ACTION, COUPLED WITH THE PROMISE OF EXPROPRIATION, WAS CONSIDERED AS BRINGING TRINIDAD WITHIN SCOPE OF 504(B)(4).

3. CIEP INTERAGENCY GROUP PERIODICALLY REVIEWS COUNTRIES WHICH ARE ON THE LIST AND DEPT IS PREPARED TO BRING TRINIDAD/TEXACO MATTER TO GROUP'S ATTENTION AT A FUTURE MEETING. HOWEVER, WE WOULD WISH TO BE ABLE TO SHOW AT THAT TIME THAT GOTT HAS TAKEN NO FORMAL ACTION WHATSOEVER TOWARD ACTUALLY ASSERTING CONTROL OVER TEXACO'S MARKETING OR OTHER OPERATIONS. EMBASSY'S FURTHER COMMENTS WOULD BE APPRECIATED. KISSINGER

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NNN

## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NATIONALIZATION, COMPENSATION, TRADE LAW, BUSINESS FIRMS, GENERALIZED PREFERENCES (TARIFFS)  
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**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
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**Disposition Date:** 28 MAY 2004  
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**Subject:** EXPROPRIATED US PROPERTY AND COUNTRY ELIGIBILITY FOR GSP  
**TAGS:** EINV, TD, US  
**To:** PORT OF SPAIN  
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